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AUG 18 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Application of: James N. Usko, et al.

Reissue

Application No.:

10/013,988

Examiner:

E. Solis

Filed:

December 13, 2001

Group Art Unit:

3747

For:

MULTI-CYCLE, ENGINE BRAKING WITH POSITIVE POWER VALVE
ACTUATION CONTROL SYSTEM AND PROCESS FOR USING THE SAME

Attorney Docket No.: 34090-06263

ACKNOWLEDGEMENT OF SUPPLEMENTAL OFFICE ACTIONAssistant Commissioner for Patents
BOX REISSUE
Washington, DC 20231

Examiner Solis:

The purpose of this paper is to summarize the conversation of August 17, 2004 between Applicant's undersigned representative and Examiner Solis regarding the above-referenced application. The Office has acknowledged that the rejection of Claims 22, 25-27 as being anticipated by U.S. Patent No. 5,680,841 to Hu was issued in error. Specifically, the rejection is in error because the Hu patent is not prior art under 35 U.S.C. 102(b). The Office has further agreed to issue a supplemental Office Action that corrects this error and resets the statutory period for responding to the Office Action.

Doc. 760820/Version 1

Applicant's undersigned representative appreciates the attention Examiner Solis has given to this matter. Should the Examiner believe that any additional information is required to correct this matter, the Examiner is invited to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully Submitted,



MARK W. RYGIEL, REG. NO. 45,871
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Date: August 18, 2004

08/18/2004 16:24 FAX

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To:	COMPANY:	FAX No.	CONFIRMATION No.
<u>Examiner Eric Solis</u>	<u>USPTO - Art Unit 3747</u>	<u>703-872-9306</u>	<u>703-308-2651</u>

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FROM: Mark Rygiel, Esq. Direct Dial No.: 202-342-8480

DATE: August 18, 2004

CLIENT: 34090-06263

MESSAGE: Examiner Solis -

Further to our telephone discussion, please see the attached.
If you have any questions, please call.

Regards,
Mark Rygiel

NUMBER OF PAGES (INCLUDING THIS COVER PAGE): 3
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